

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cesar LOPEZ-Del Rio,

Defendant

Magistrate Docket No.

08 JUL -8 AM 9:44
08 MJ 2068


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

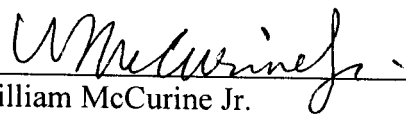
The undersigned complainant, being duly sworn, states:

On or about **July 5, 2008** within the Southern District of California, defendant, **Cesar LOPEZ-Del Rio**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **8th** DAY OF **JULY, 2008**


William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

171


CONTINUATION OF COMPLAINT:
Cesar LOPEZ-Del Rio

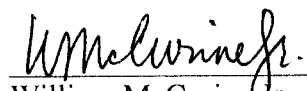
PROBABLE CAUSE STATEMENT

On July 5, 2008, Supervisory Border Patrol Agent K. Miller was performing line watch duties in Campo, California. At approximately 12:44 p.m. Border Patrol Dispatch received a report from the California Highway Patrol that there were several suspected illegal aliens lost and in distress south of the Pine Valley Border Patrol Check Point. Agent Miller responded to the area while assisting in the rescue coordination and narrowing down the search area. At approximately 2:15 p.m. CBP Helicopter (Omaha) located three subjects. At approximately 2:45 p.m. Agent Miller, along with Supervisory Border Patrol Agent Gemling and a US Forest Service EMT, arrived on scene of the subjects in obvious distress. This area is approximately 10 miles north of the U.S./Mexico International Boundary and approximately 18 miles east of the Tecate, California Port of Entry. One of the subjects was later identified as the defendant **Cesar LOPEZ-Del Rio**. The defendant was conscious, alert and in pain heat distress.

Agent Miller identified himself as a United States Border Patrol Agent and an Emergency Medical Technician (EMT). The defendant consented to medical treatment for heat exhaustion and heat cramps. Agent Miller also questioned the defendant as to his citizenship. The defendant readily admitted to having entered the United States illegally without any immigration documents that would allow him to be in, or remain in the United States legally. The defendant also admitted to being a native and citizen of Mexico. At approximately 3:30 p.m. the defendant was placed under arrest and transported to a hospital for treatment of heat related complications.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 16, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.


James Trombley
Senior Patrol Agent


William McCurine Jr.
U.S. Magistrate Judge

7/8/08 0933hrs
Date/Time